

The Critical Role of the National Guard at Home and Abroad
Statement of
The Honorable Edward G. Rendell
Governor
Commonwealth of Pennsylvania
Before the
House Committee on Government Reform
October 20, 2005

Thank you Chairman Davis. It is a great pleasure to appear before you today to give you one Governor's perspective on the critical role of the National Guard at home and abroad. I am honored to appear on this panel.

The National Guard is the only military force shared by the federal and the state governments. The status of the National Guard as a state military force is rooted in our constitution, and our militia heritage goes back to a time before we were an independent nation.

In many ways, today's National Guard carries out the genius of our founders and it constitutes "federalism in action" in the military context. Formation of the militias predates the founding of our country. The Massachusetts National Guard traces its lineage to the first regiments established by the General Court of the Massachusetts Bay Colony in 1636. Benjamin Franklin founded the Pennsylvania National Guard when he formed the Associators in Philadelphia in 1747. In 1755, the colonial assembly passed Pennsylvania's first militia law. The year 2005 is the 250th Anniversary of Pennsylvania's first militia law.

Today's National Guard, in Pennsylvania and across America, is the modern militia reserved to the states by the United States Constitution. Based on a dual enlistment system, every member of the Pennsylvania National Guard takes an oath of enlistment in a reserve component of the Armed Forces (the National Guard of the United States) and in the modern state militia (the state National Guard). These state and federal military entities are linked inseparably. On a day to day basis, the Guard remains under state command and control and the governors serve as commanders in chief of their state Guard forces. When the Guard is called into active

federal service – as with our soldiers and airmen in Iraq – they are under the command and control of the federal government.

There are about 20,000 soldiers and airmen in the Pennsylvania Army and Air National Guard. Since September 11, 2001, a total of 13,372 Guard members have deployed in support of Operations Enduring Freedom, Iraqi Freedom and Noble Eagle. Today more than 3,000 members of the Pennsylvania National Guard are deployed in Iraq.

When they are not deployed overseas, our Guard personnel serve in readiness centers, armories and Air National Guard bases across Pennsylvania. The Guard provides me as Governor with a well-trained and equipped military force to respond to state emergencies such as floods, blizzards, hurricanes and local emergency situations.

Pennsylvania is home to the National Guard's 3rd Weapons of Mass Destruction Civil Support Team. These National Guard teams provide DoD's unique expertise and capabilities to assist state governors in preparing for and responding to chemical, biological, radiological or nuclear (CBRN) incidents as part of a state's emergency response structure. Each team consists of 22 highly skilled, full-time National Guard members who are federally resourced, trained and exercised, and employs federally approved CBRN response doctrine.

The National Guard is a partnership between the states and the federal government. As any of you who have been involved in a partnership knows, they involve give and take. Today's National Guard is supposed involve day-to-day communication, collaboration and interaction between the state and federal governments. The National Guard Bureau, a bureau within the Department of Defense, serves as channel of communications between DoD and the states.

It's fair to say that the federal government is the senior partner in this partnership between the state and federal governments in terms of the supplies, the equipment and the funding it provides for most National Guard activities. But what's sometimes overlooked is that the states provide the most precious resource of all to the National Guard: the young men and women who serve their state and their nation and who risk, and sometimes give, their lives in this service.

The states recognize how important it is to recruit and retain the high quality personnel necessary to maintain the strength of the Guard. For example, in Pennsylvania, we invest about \$10 million per year in our Educational Assistance Program to provide public-service educational grants to new enlistees in, and members of, the Pennsylvania National Guard. This is an important recruiting and retention tool that helps keep the Guard strong to accomplish both its state and its federal missions.

During 2005, we've seen examples of when the National Guard partnership between the states and the federal government worked well and when it broke down. Let me make it clear that I reject the notion that because the federal government provides the great bulk of the funding for the National Guard, it can ignore the role of the states in command and control of the Guard's forces or overlook the concerns of the states with regard to Guard funding, equipment and strength. The Congress, acting to implement the constitutional status of the modern National Guard, has enacted legislation to set the appropriate balance between the states and the federal government with regard to National Guard units. And this balance must be honored by the Department of Defense.

One place where the National Guard partnership between the states and the federal government broke down badly was in the actions of the Department of Defense and Air Force with regard to the 2005 round of the Base Realignment and Closure (BRAC) process. The Department of Defense and the Air Force chose to ignore clear congressional mandates requiring the consent of the Governors with regard to major changes to National Guard units. They argued that the BRAC process superseded the requirement for input from the states and that it was impractical to ask 54 National Guard entities for input. In an incredible effort to justify elimination of Air National Guard units and missions across America, the Air Force even suggested that the Civil Air Patrol could fill in for the Air Guard. Don't get me wrong. The Civil Air Patrol is a great organization, but it is no substitute for the Air National Guard in the carrying out homeland security missions and helping me address my responsibilities to respond to state emergencies.

Let me take a brief moment to describe what happened with the 111th Fighter Wing of the Pennsylvania Air National Guard. For several years, my staff, including the Adjutant General and the Commander of the Pennsylvania Air National Guard, received briefings indicating that the

111th, which flies the A-10 Warthog aircraft out of Willow Grove Joint Reserve Base, was likely to receive additional mission aircraft as part of the future total force planning process. Imagine our surprise and dismay when, on May 13, we received the DoD recommendation that the 111th Fighter Wing should be deactivated. The DoD recommendation came without a word of advance wording. There was no coordination, no request for input, and certainly no request for my approval as Governor for the elimination of this important Air National Guard unit.

The 111th has about 1,000 full-time and part-time military personnel. It is based at Willow Grove, just outside Philadelphia, which is a key strategic location in our state. The 111th does not consist of just pilots and airplanes. It has security forces, mechanics, medical personnel and all the rest that make up a modern fighter wing. Seventy-five percent of the members of the 111th have deployed in the last four years. These personnel are key assets to me as Governor in addressing potential threats to the security of our homeland. What's more, I believe it is vital to maintain military flying operations at Willow Grove to provide a surge capability to respond to emergencies in the Philadelphia region.

Congress has mandated that the United States Government cannot make changes to the branch, organization or allotment of National Guard units located within the states without the approval of the Governor. The same law provides that I as Governor cannot disband a National Guard unit that receives federal funds without the approval of the President. This law aptly describes the fundamental principles of federalism upon which the National Guard is built. Neither the state nor the federal government can make basic changes to National Guard units without the input of the other.

At least that's the way it's supposed to work. But, the Air Force decided that the BRAC law superseded these other federal laws, and that it could completely ignore the states in making recommendations to eliminate Air National Guard units and missions. The 111th Fighter Wing was the only Air National Guard unit in the country actually recommended for deactivation but others were stripped of the aircraft and personnel.

Aside from ignoring what we saw as clear legal requirements, I was very surprised by the Air Force's attitude toward the National Guard in general and to the partnership between the Guard and the states in particular. An Air Force spokesman, testifying before the BRAC Commission, said that

it would unreasonable and impractical to expect the Air Force to talk to 54 or even 28 National Guard entities in making plans to eliminate units and missions. It was almost as if they were saying those pesky states stand in the way of us getting our job done. Somebody even suggested that the Governors would bring politics into the BRAC process!

As Governor of Pennsylvania, I was not going to stand by and watch DoD attempt to eliminate about one-fourth of the Air National Guard force in my state. In late May, I wrote to Secretary Rumsfeld to advise him that I did not consent to the proposed deactivation of the 111th, and in early July, Senators Arlen Specter, Rick Santorum and I filed suit in federal court seeking a declaratory judgment that the DoD violated the Governor consent statutes when they commenced action to deactivate an Air National Guard unit without the consent of the Governor.

We filed suit not just to stand up for the Guard. We filed suit to protect the vital principles of federalism, grounded in our Constitution, that establish the National Guard as a military force shared by the state and the federal government. We also filed suit to stand up for Congress, which had passed laws clearly requiring consent of the Governor for certain changes to National Guard units. I was very pleased that Senators Specter and Santorum joined me in this litigation because their support emphasized that DoD's action were not just ignoring the Governor's prerogatives with regard to the National Guard but also the direction provided by the Congress.

In the end, Federal District Judge John Padova ruled in favor of the Commonwealth and held that DoD's recommendation for deactivation of the 111th Fighter Wing was "null and void." On the same day as the Court decision was issued, the BRAC Commission found that the DoD's recommendation substantially deviated from the BRAC criteria and overturned the proposed deactivation of the 111th Fighter Wing. The Commission also ruled that military flying operations should be maintained at Willow Grove. We believe the BRAC Commission should have stopped right there, but unfortunately, they went ahead to recommend that the A-10s assigned to the 111th be redistributed to other units, even as they encouraged the Air Force to maintain A-10s there.

As I said out the outset, the National Guard can only succeed in carrying out its critical role at home and abroad if the strong partnership between the state and federal government, first forged in our Constitution, is

maintained and nurtured. The DoD's approach to the states in this year's BRAC recommendations for the Air National Guard represented a major breach of the trust upon which this partnership is built. I believe the DoD must take action to heal that breach and rebuilt that trust. For Pennsylvania, the best way to start this effort would be for DoD to announce that it will cease and desist any plans or efforts to strip the 111th Fighter Wing of its A-10s. This action would restore the appropriate balance between state and federal needs and support our efforts to maintain a strong military force to address homeland security issues in the southeastern part of my state.

If the 2005 DoD BRAC recommendations represented a breach in the partnership between the states and the federal government with regard to oversight and command and control of the National Guard, the Guard's role in responding to the devastation caused by Hurricanes Katrina and Rita should have shown how the partnership can work. Pennsylvania sent more than 2,500 Guard personnel to Louisiana and Mississippi to respond to the emergencies caused by these hurricanes. We responded promptly. Our Interim Satellite Incident Site Communications Set (ISISCS) deployed from Fort Indiantown Gap to the Mississippi gulf coast in the first days after the storms and for more than a week it provided just about the only form of reliable communications to that region. It later redeployed to Texas in the wake of Hurricane Rita. We sent security and military police forces from several units, including the 111th Fighter Wing, to Louisiana within 24 hours after we received the request for support. About 200 Pennsylvania National Guard personnel deployed by air to Louisiana. And elements of our 213th Area Support Group and our 56th Brigade deployed by convoy to the area of devastation within just a few days.

These deployments were authorized under the Emergency Management Assistance Compact among the states, and we were prepared to send these personnel in a state active duty status. Fortunately, within a few days, the National Guard Bureau stepped up to the plate and decided that these personnel could deploy in a federally-funded state status under Title 32, United States Code. Use of Title 32 duty for this deployment maintained the essential principle of state command and control over National Guard forces while provide a mechanism for direct federal funding of this duty. I appreciate the response of the National Guard Bureau in authorizing duty in this status, and I believe it is a good example of how the partnership between the state and federal government can work.

When Guard personnel perform federally-funded state duty under Title 32 they remain under state command and control. This is as it should be for nearly all domestic emergencies. I've heard suggestions that the President should have federalized the Guard and put them under federal command in this situation, but I believe that would have been wrong. I believe the active forces can and should play an important role in responding to major emergencies by providing humanitarian aid and assistance in search and rescue, evacuation and other essential missions. The idea that we should put active duty soldiers on the front line of civilian law enforcement does not follow from the lessons we should have learned from Katrina. There is nothing in federal law that prevents the use of the military and the Guard to perform the vast majority of missions that need to be performed in most major disasters. Like my fellow Governors, I see no need to diminish the responsibilities of state governors or the role of the state National Guard forces operating under state command and control in responding the state emergencies.

As Governor, I want our Guard to have the best possible equipment to carry out their missions. When our personnel are ordered to federal active duty to deploy to Iraq and Afghanistan, I want the federal government to do everything possible to make sure they have equipment that will keep them as safe as possible as they risk their lives to serve their country. I recognize that equipping the National Guard is a federal responsibility, but we in the states care deeply about this.

Over the last few years, Pennsylvania National Guard personnel have deployed to Iraq and Afghanistan as part of Operation Enduring Freedom and Operation Iraqi Freedom. I know that the Government Accountability Office report being issued today deals with the issue of "stay behind equipment" and how this impacts on Guard units when they return.

I recognize that it sometimes is appropriate to leave equipment, weapons systems, and protective gear in country rather than returning it with the unit when it redeploys to the United States and to Pennsylvania. This makes sense, and I certainly would not question the military judgment about what equipment should be considered to stay behind.

But, it's vitally important that once our units return to Pennsylvania, they be resupplied with the equipment they need to perform their missions and that the replacement equipment they receive be of the same quantity and

quality as the equipment that stayed behind in Iraq and Afghanistan. Our units need this equipment to train, to respond to homeland security missions and to respond to state emergencies. The need for force protection equipment and supplies does not end when the unit leaves the combat zones.

Let me give you some real world examples reported to me by Pennsylvania's Adjutant General, Major General Jessica L. Wright. When units returned from some of the earliest deployments to Iraq, they generally brought the most critical equipment back with them. There were a few exceptions. For example, Company A of the 28th Signal Battalion, was directed to leave 10 of 41 HUMVEE vehicles behind when they redeployed.

More serious concerns arose after the redeployment of Company G of the 104th Aviation, which deployed to Afghanistan. You might recall those great pictures of this unit, which flies the CH-47D helicopter, extracting personnel in various dangerous situations. The unit took a lot of equipment with them to Afghanistan and they were directed that a lot of equipment should stay behind when they redeployed. This included 7 CH-47D aircraft, trucks, generators, liter kits, radios, tents and the liked. Company G has been back in the United States for ten months now. It has received five replacement CH-47s (of the 7 that stayed behind), but they report the aircraft are not of the same quality as those they deployed with. The unit has received very little of the other equipment that stayed behind in Afghanistan. Although they have been able to make do, this lack of critical equipment affects both training and mission readiness.

Another example is the 131st Transportation Company. Trucks, trailers, field kitchens, and other gear stayed behind in Iraq when they returned to Williamstown. Fifty-nine tractors, and 118 trailers, stayed behind when they returned. The process of replacing this equipment has been too slow. And the unit is concerned that much of the replacement equipment is older models some with missing components. These trucks and trailers are the kinds of equipment we might need to respond to an emergency situation.

We also have serious concerns about the re-equipping of our Unmanned Aerial Vehicle (UAV) unit that just recently returned. They were directed that equipment including weapons, goggles, trucks, control stations, UAVs and launchers, should stay behind. Some of this equipment

was first issued to the unit when it deployed. The question now is when will the unit receive the equipment it needs to train for and perform its mission.

Our largest deployments to Iraq are underway now, with the Pennsylvania Army National Guard forces assigned to Task Force Dragoon scheduled to redeploy over the next few weeks and the 2nd Brigade Combat Team scheduled to return next summer. It appears that the Army is trying to identify and use a more systematic approach for stay-behind equipment, but it also appears that these units will be directed to leave a good deal of equipment in country.

This process is a cause of serious concern to me. We send our brave men and women abroad to fight our country's battles with a feeling of great pride mixed with fear for their safety. Pennsylvania has lost nineteen Pennsylvania National Guard soldiers in Iraq, fifteen of whom died in the last two months. The Guard has proven again and again that it is a full partner in the total force when it comes to courage and sacrifice.

We delight when these personnel return safely to our country and our Commonwealth. I have personally participated in welcome ceremonies for many of our units, and I plan to participate in many more. As I told the Second Brigade Combat Team when it departed, I want to welcome everyone back when their tour is completed. Sadly, that will be impossible.

Once these units return, it's important that they have the equipment to train and perform their vital military missions. The lack of equipment has not yet resulted in an inability to respond to a homeland security or emergency mission in Pennsylvania or other states, but it does not take much imagination to foresee a contingency where there could be negative impacts.

Today's National Guard plays a critical role in the security of our nation and our state. I depend on my Adjutant General and the military forces under her command and control to respond when we need to provide security to address terrorist threats at nuclear power plants or to provide airport security or to respond to floods or blizzard. When there is a disaster, be it natural or manmade, the Guard is the backbone of our ability to respond. Anything that weakens the Guard, whether it be the ill-advised effort to deactivate an Air National Guard fighter wing or the failure to re-equip a unit after redeployment, is of concern to me as a Governor and commander-in-chief of our Guard forces.

